

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

MICHAEL TAYLOR , an individual,)	
)	
Plaintiff,)	
)	
v.)	Case No. 14-CV-063-TCK-TLW
)	
THE APOTHECARY SHOPPE, LLC ,)	
a Delaware limited liability company,)	
)	
Defendant.)	

ORDER

The Court has reviewed: (1) Plaintiff’s proposed requests for production and proposed topics of questioning at a Rule 30(b)(6) deposition (Doc. 17); (2) Defendant’s “opposition to temporary restraints and expedited discovery” filed this date (Doc. 22), which is sealed from public viewing but which was transmitted to Plaintiff’s counsel; and (3) the Second Amended Complaint filed on February 3, 2013, in *Zink v. Lombardi*, 12-CV-4209-BP (W.D. Mo.).

The Court ORDERS:

1. The Court’s Order granting expedited discovery (Doc. 15) is VACATED. No discovery shall be permitted at this time.
2. The Court’s Temporary Restraining Order (Doc. 8) shall remain in place pending the February 18, 2014 hearing. To the extent Defendant’s opposition brief (Doc. 22) requests dissolution before that time, that request is denied.
3. In light of arguments made in Defendant’s opposition brief, and other concerns identified *sua sponte* by the Court, the hearing scheduled for February 18, 2014 shall be limited in scope to arguments and/or evidence regarding the following threshold questions:

- a. Defendant's Motion to Seal (Doc. 19), including whether the hearing should remain sealed;
 - b. Defendant's involvement, if any, in Plaintiff's execution scheduled for February 26, 2014;
 - c. whether this case should proceed in light of the Second Amended Complaint identified above, *see generally Cherokee Nation v. Nash*, 724 F. Supp. 2d 1159 (N.D. Okla. 2010) (explaining "first to file" rule, which applies to simultaneously pending federal cases with overlapping parties and issues);
- and
- d. any other threshold or jurisdictional issues.

The hearing shall be sealed pending further written or oral Order of the Court. The parties need not be prepared to present evidence regarding the likelihood of success on the merits of Plaintiff's substantive claims for purposes of this hearing. Counsel shall not be permitted to appear telephonically.

SO ORDERED this 14th day of February, 2014.


TERENCE KERN
United States District Judge